

## REMARKS

Claims 1-5, 7-15, and 17-33 are pending. Claims 1, 4, 5, 14, 17, and 18 have been amended for clarification purposes and claims 6 and 16 have been canceled.

Reconsideration of the application is respectfully requested for the following reasons.

### **I. The Rejection under 35 USC § 112, First Paragraph**

In the Office Action, claim 26 was rejected on grounds that the specification fails to enable the RLP module, voice RLP module, and data RLP module recited in this claim. More specifically, the Examiner indicated that the specification fails to state whether these modules are implemented using software, hardware, or both.

In order to satisfy the enablement requirement of § 112, the specification must provide a description sufficient to allow one skilled in the art to make and use the claimed invention without undue experimentation. (See MPEP § 2164). The proscription against “undue” experimentation does not negate all forms of experimentation. If some experimentation is required to make and use the invention as defined in the claims, then that would be sufficient to satisfy the requirements of § 112, first paragraph.

In the case of claim 26, virtually no experimentation is required. Those skilled in the art understand that a communication protocol module may be implemented in the form of software or hardware, or both. As an example, Applicants have attached to this paper a print out showing examples of various types of protocol modules implemented in software that can be downloaded from the Internet. Because it is known to implement protocol modules in software, those skilled in the art would readily know how to make and use the protocol modules recited in claim 26.

Moreover, the specification describes at length that the invention of claim 26 may be implemented in CDMA or other types of communication systems. Persons involved in the design and implementation of CDMA or other types of module communication systems would have an intimate understanding of how to make and use the type of modules recited in claim 26.

And, because software must be executed by a processor of some type, those skilled in the art would understand that the protocol modules recited in claim 26 must be implemented using a processor (hardware). Those skilled in the art further understand that the modules of claim 26 may also be implemented using predominately hardware if desired.

In view of the foregoing considerations, it is submitted the specification provides a description sufficient to enable one skilled in the art to make and use the invention (including the modules) recited in claim 26 without undue experimentation. Claim 33 is enabled for similar reasons. Withdrawal of the § 112, first paragraph, rejection is therefore respectfully requested.

## **II. The Rejection under 35 USC § 112, Second Paragraph**

Claim 1 was rejected on grounds that it is unclear whether “said RLP frame” recited at lines 11 and 12 refers to the voice or data RLP frame. The answer is neither. Claim 1 recites that an SVD service is provided by transmitting or receiving voice and packet data simultaneously using “at least one radio link protocol (RLP) frame.” The providing step is performed by multiplexing the data RLP frame and voice RLP frame. For clarification purposes, claim 1 has been amended to recite that the data and voice RLP frames are multiplexed “to form said at least one RLP frame,” which finds antecedent basis on line 7 of claim 1.

Claims 4, 5, 14, 17, and 18 have been amended in a manner similar to claim 1.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and timely allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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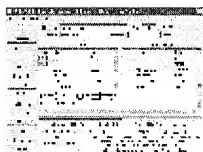
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